

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ARUN MOHANAN et al :
: CIVIL ACTION
v. :
: NO. 22-2956
LIBERTY MUTUAL PERSONAL INSURANCE :
COMPANY :

O R D E R

AND NOW, this 20th day of November, 2023, upon consideration of the Defendants' Motion to Dismiss and/or Strike Counts II, III, and IV of the Amended Complaint (ECF No. 9), and Plaintiff's response thereto, it is **ORDERED** that the Motion is **GRANTED** as follows:

1. Count II and Count IV of Plaintiffs' Amended Complaint are **DISMISSED without prejudice**;
2. Count III is **DISMISSED with prejudice**;
3. References to Defendant's alleged heightened duty are **STRICKEN**;
4. References to treble damages and attorneys' fees are **STRICKEN** from Count I;
5. References to treble damages, punitive damages, and attorneys' fees are **STRICKEN** from Count III;
6. References to treble damages and consequential damages are **STRICKEN** from Count IV.

IT IS SO ORDERED.

BY THE COURT:

/s/ R. Barclay Surrick
R. BARCLAY SURREICK, J.